

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF PENNSYLVANIA

IN RE:

JAROSLAW MIELEWCZYK

NO. 19-11662 AMC
CHAPTER 13
HEARING: MAY 19, 2020

MOTION OF FORD MOTOR CREDIT FOR RELIEF
FROM THE AUTOMATIC STAY, BANKRUPTCY CODE § 362a
REGARDING 2013 FORD F150 MOTOR VEHICLE

1. Movant is Ford Motor Credit Company, LLC ("Ford Credit"), with offices at the National Bankruptcy Service Center in Colorado Springs, Colorado.

2. Respondents are Debtor, Jarolsaw Mielewczik, and the Chapter 13 Trustee, William C. Miller, Esquire.

3. On or about August 17, 2013, Debtor purchased a 2013 Ford F150 [VIN...7950] motor vehicle ("Vehicle") pursuant to a Installment Purchase Contract ("Contract"). A copy of the Contract further identifying the Vehicle is attached as Exhibit "A".

4. Pursuant to the Contract, Ford Credit has a purchase money security interest in the Vehicle, as perfected by notation of the Certificate of Title. Attached as Exhibit "B" is a true and correct copy of the Certificate of Title showing the interest of Ford Credit.

5. The Vehicle may be now, to Ford Credit's knowledge, uninsured as the expiration date of existing insurance is unknown.

6. Ford Credit has incurred legal expenses in protecting its interest.

7. There is an approximate net balance of \$12,293.67, plus expenses, costs, and interest on the Contract. The account is in default, being contractually due for February 1, 2020, and thereafter. Regular monthly payments are \$588.48 each. The most recent payment was for \$650.00 received on or about March 9, 2020.

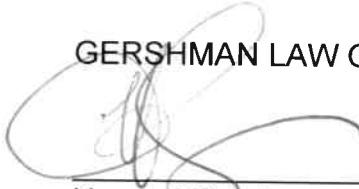
8. The present amount of the default is \$1,703.92 plus fees, costs and interest.

9. Debtor's case is subject to a pending Motion to Dismiss filed by the Chapter 13 Trustee.

10. The Vehicle is a depreciating asset and unless the matter is immediately resolved Ford Credit will continue to suffer irreparable harm.
11. There may be no equity in the Vehicle for Debtor or the Debtor's Estate.
12. The Vehicle is not necessary for an effective reorganization.
13. Debtor has failed to provide Ford Credit with adequate protection of its interests.

WHEREFORE, Ford Motor Credit Company, LLC prays this Honorable Court to enter an Order granting Ford Motor Credit Company relief from the automatic stays of Code Sections 362, with waiver of FRBP 4001(a)(3), and for such other relief as is just and equitable.

GERSHMAN LAW OFFICES, PC



Howard Gershman
610 York Road, Suite 200
Jenkintown, PA 19046
Tel: 215.886.1120
Fax 215.886.1118
howard@gershman-law.com